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ORIGINAL

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

U.S. DIST. COURT CLERK  
EAST DIST. MICH  
FLINT

2007 MAR 22 P 1:35

KATHARINE MCHUGH

Plaintiff,

V

GENERAL MOTORS CORPORATION,

Defendant.

07-11234

Zatkoff /

Majzoub

LAW OFFICE OF GLEN N. LENHOFF  
BY: GLEN N. LENHOFF (P32610)  
ROBERT KENT-BRYANT (P40806)

Attorney for Plaintiff  
328 South Saginaw Street  
8<sup>th</sup> Floor, North Building  
Flint, Michigan 48502  
(810)235-5660

**COMPLAINT AND JURY DEMAND**

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a Judge in this Court.

**NOW COMES** Plaintiff, Katharine McHugh, by and through her attorney, the Law Office of Glen N. Lenhoff, and hereby complains of Defendant, General Motors Corporation, as follows.

**PARTIES AND JURISDICTION**

1. Plaintiff, Katharine McHugh (hereinafter "Plaintiff"), is a citizen of the United States and a resident of the City of Fenton, County of Genesee, State of Michigan.

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2. Defendant, General Motors Corporation (hereinafter "Defendant"), is a Delaware corporation doing business in the County of Genesee, State of Michigan.

3. The illegal acts referred to in this Complaint occurred in Genesee County, Michigan.

4. Plaintiff hereby asserts age discrimination claims against Defendant under the Age Discrimination in Employment Act, 29 USC §621 et seq. and the Michigan Elliott-Larsen Civil Rights Act, MCLA §37.2202 et seq.

5. The claims in this case exceed \$75,000.00.

6. This Court has subject matter jurisdiction over Plaintiff's federal claims based on 28 USC §1331, and over Plaintiff's state law claim based on 28 USC §1367. This Court also has personal jurisdiction over this case, in that Defendant is a corporation doing business in the state of Michigan.

7. Venue is proper in this Court for the reason that the facts of this case arose out of Plaintiff's employment for Defendant in Genesee County, Michigan.

8. Plaintiff received a Right to Sue letter from the Equal Employment Opportunity Commission on February 1, 2007.

#### **GENERAL ALLEGATIONS**

9. Plaintiff began her employment with Defendant in 1977.

10. At all times pertinent hereto, the position held by Plaintiff was Labor Relations Representative.

11. At the time of her discharge, Plaintiff was 51 years old, and had been employed with Defendant for 29 years.

12. At all times pertinent hereto, Plaintiff's supervisor was Carol Landis.

13. At all times pertinent hereto, Plaintiff was an excellent performer on her job.

14. On April 6, 2006, Defendant discharged Plaintiff.

19. Plaintiff was told that the reason for her discharge was that she had been deceitful.

20. Plaintiff had not been deceitful.

21. Plaintiff was replaced in her position by a much younger employee.

21. As a result of her discharge, Plaintiff has suffered substantial economic and emotional injury.

**COUNT I. PLAINTIFF'S 29 USC § 621 et seq. FEDERAL AGE DISCRIMINATION  
IN EMPLOYMENT ACT CLAIM ARISING OUT OF PLAINTIFF'S DISCHARGE**

22. Plaintiff hereby realleges and incorporates by reference the preceding paragraphs.

23. On April 6, 2006, Defendant discharged Plaintiff from her position as Labor Relations Representative.

24. Plaintiff was replaced by a much younger employee.

26. A substantial causative factor in Plaintiff's discharge was her age.

27. Accordingly, Plaintiff hereby asserts an age discrimination claim against Defendant under the Federal Age Discrimination in Employment Act.

**COUNT II. PLAINTIFF'S MICHIGAN ELLIOTT-LARSEN  
CIVIL RIGHTS ACT, MCLA §37.2202, AGE DISCRIMINATION  
CLAIM REGARDING DEFENDANT'S DISCHARGE OF PLAINTIFF**

28. Plaintiff hereby realleges and incorporates by reference preceding paragraphs.

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29. On April 6, 2006, Defendant discharged Plaintiff from her position as Labor Relations Representative.

30. Plaintiff was replaced by a much younger employee.

32. A substantial causative factor in Plaintiff's discharge was her age.

33. Accordingly, Plaintiff hereby asserts an age discrimination claim against Defendant under the Michigan Elliott-Larsen Civil Rights Act, MCLA §37.2202.

**WHEREFORE**, Plaintiff requests to be awarded fair and reasonable damages, together with costs, attorney fees and interest, as a jury deems just.


**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial in the captioned case.

Dated: 3/14/07

  
GLEN N. LENHOFF (P32610)  
Law Office of Glen N. Lenhoff  
Attorney for Plaintiff

Dated: 3-20-07

  
ROBERT D. KENT-BRYANT (P40806)  
Law Office of Glen N. Lenhoff  
Attorney for Plaintiff

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ORIGINAL  
CIVIL COVER SHEET

07-11234

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Katherine McHugh

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Genesee  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

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Flint, MI 48502 (810) 235-5660

## DEFENDANTS

General Motors Corporation

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Genesee

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

ATTORNEYS (IF KNOWN)

LAWRENCE P. ZATKOFF

## II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☒ 2 Federal Question (U.S. Government Not a Party)  
☐ 3 U.S. Government Defendant  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ANOTHER BOX FOR DEFENDANT)

- PTF DEF  
Citizen of This State ☒ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 ☒ 4  
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5  
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

## IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 116 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 161 Medicare Act <input type="checkbox"/> 162 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 163 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 188 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury — Med. Malpractice <input type="checkbox"/> 365 Personal Injury — Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 395 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 680 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 155 <input type="checkbox"/> 423 Withdrawal 28 USC 167 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 851 HIA (1995M) <input type="checkbox"/> 852 Black Lung (923) <input type="checkbox"/> 853 DIWC/DIWW (405(g)) <input type="checkbox"/> 854 SSIO Title XVI <input type="checkbox"/> 855 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS — Third Party 26 USC 7809	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 878 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights <b>PRISONER PETITIONS</b> <input type="checkbox"/> 810 Motions to Vacate Sentence <b>HABEAS CORPUS:</b> <input type="checkbox"/> 830 General <input type="checkbox"/> 835 Death Penalty <input type="checkbox"/> 840 Mandamus & Other <input type="checkbox"/> 850 Civil Rights <input type="checkbox"/> 855 Prison Condition			

## V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
Transferred from ☐ 5 another district (specify) ☐ 6 Multidistrict Litigation  
Appeal to District Judge from ☐ 7 Magistrate Judgment

## VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

29 USC Section 621 Federal Age Discrimination In Employment Act

## VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

DEMAND \$ 75,000+

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ YES ☐ NOVIII. RELATED CASE(S) (See Instructions):  
IF ANY

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING FFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

**PURSUANT TO LOCAL RULE 83.11**

1. Is this a case that has been previously discontinued or dismissed? ☐ YES ☒ NO

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.) ☐ YES ☒ NO

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

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**NOTES:**